

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-81976-CV-MIDDLEBROOKS/Matthewman

ANDREW E. HOFFMAN,

Petitioner,

v.

SECRETARY, DEPARTMENT OF
CORRECTIONS, STATE OF FLORIDA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge William Matthewman's Report and Recommendation ("Report"), issued on November 8, 2023. (DE 16). The Report recommends denying Petitioner Andrew E. Hoffman's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 in its entirety. Petitioner filed objections on December 21, 2023. (DE 19).

I have conducted a *de novo* review of Judge Matthewman's Report, the record in this case, and I have considered the applicable law. I have also considered Petitioner's objections, and I find that they lack merit. Accordingly, I agree with Judge Matthewman's recommendations and adopt his Report. Further, I find that Petitioner cannot make "a substantial showing of the denial of a constitutional right" sufficient to support the issuance of a Certificate of Appealability. *See* 28 U.S.C. § 2253.

Accordingly, it is **ORDERED AND ADJUDGED** that:

- (1) The Report (DE 16) is **ADOPTED**.
- (2) Movant's Objections (DE 19) are **OVERRULED**.
- (3) Petitioner Andrew E. Hoffman's Petition Under 28 U.S.C. § 2254 For Writ of Habeas

Corpus (DE 1) is **DENIED**.

(4) No certificate of appealability shall issue.

(5) Final Judgment shall be entered by separate Order.

SIGNED in Chambers at West Palm Beach, Florida, this 2nd day of January, 2024.

A handwritten signature in black ink, appearing to read "Donald M. Middlebrooks", written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

cc: Honorable William Matthewman
Counsel of Record